

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD BIANCHI, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendant.

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:
:
: Civil Action No. 17-cv-1263 (CCC) (MF)
:
: Motion Return Date: May 21, 2018
:
: Oral Argument Requested
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:
:

**DEFENDANT SAMSUNG ELECTRONICS AMERICA, INC.'S
NOTICE OF MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED CLASS
ACTION COMPLAINT**

**TOMPKINS, MCGUIRE, WACHENFELD
& BARRY LLP**

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PLEASE TAKE NOTICE that on May 21, 2018, or as soon thereafter as counsel may be heard, Defendant Samsung Electronics America, Inc. (“SEA”) shall move before the Honorable Claire C. Cecchi, United States District Judge, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room PO 04, Newark, New Jersey, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing all claims against SEA in the First Amended Class Action Complaint (ECF 16) filed in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that, in support of its Motion, SEA shall rely on its Brief in Support of its Motion to Dismiss Plaintiffs’ First Amended Class Action Complaint, exhibits in support, and the accompanying Declaration of Philip M. Oliss (also with exhibits). Pursuant to this Court’s Order, SEA has limited its brief in support of its Motion to 60 or fewer

pages. *See* Order (ECF 28) at 2 ¶4. A proposed form of Order is included with this Notice of Motion.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested.

Dated: April 24, 2018

Respectfully submitted,

**TOMPKINS, MCGUIRE, WACHENFELD
& BARRY LLP**

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L. CIV. R. 11.2 CERTIFICATION

SEA, by its attorneys, hereby certifies that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding. SEA is not currently aware of any other parties that should be joined in this action.

s/ Sean P. Neafsey
SEAN P. NEAFSEY